

KRAUSE, Donald R.

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REMARKS/ARGUMENTS

Claims 1-87 remain in this application. Claims 6-8, 16, 18, 21, 22, 43, 51, 58, 65, and 71-87 have been withdrawn. Claims 1, 44, 52, 59, and 66 have been amended (Claim 72 has been withdrawn). Support for these amendments can be found in the application as originally filed (including the Figures) and, as such, Applicants believe that no new matter has been added.

Applicants will address the Examiner's objections, rejections, and comments in the order presented in the Office Action mailed 10/18/05.

Election

Applicants thank the Examiner for her consideration regarding the addition of "rotary screen" to the options, and Applicants acknowledge the inclusion of Claim 5 for purposes of examination. Applicants acknowledge that Claims 6-8, 16 & 18, and 20-21 are not cancelled, but rather, these claims stand withdrawn.

Rejections Under 35 USC 112

Claims 1-5, 9-15, 17, 19, 23-42, 44-50, 52-57, 59-64 and 66-70 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. More specifically, the Examiner indicates at page 2 of the Office Action that use of the term "interlaced image" in these claims renders these claims vague and indefinite. The Examiner notes the following: "[l]acking a specifically cited prior art showing of what is the clear scope of this term as applied or intended in the claims, the claims are considered to be vague & indefinite, and any image that might be construed to be within the possible scope of the claimed phraseology will be considered to read on this limitation."

Applicants respectfully disagree inasmuch as the term "interlaced image", as it is used in the claims, is believed to be clear and definite. Applicants respectfully call the Examiner's

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attention to the following portion of the Specification of the Application as originally filed for purposes of showing that the term "interlaced image" is definite:

The preparation of interlaced images is well known in the art. An interlaced image is a composite of two or more component images that are themselves preferably of photographic quality. The component images are selected based upon the desired features of the lenticular or final image. The component images are then arranged, segmented, interlaced and mapped to create the interlaced image so that the image corresponds to the lenticular lens in a convenient manner, e.g., such as via the teachings of U.S. Patents 5,488,451, 5,617,178, 5,847,808 and 5,896,230, the disclosures of which are incorporated herein by reference. The lenticular lens can include high definition lenses, for example, as taught in U.S. Patent 6,424,467, which is incorporated herein by reference. (Page 2, lines 2-10).

It is noted that U.S. Patents 5,488,451, 5,617,178, 5,847,808 and 5,896,230 have been cited above and these references provide explicit teachings regarding exemplary ways to make and use interlaced images. Accordingly, the term "interlaced image" is believed to be fully and definitely described.

For at least these reasons, Applicants respectfully request that the Examiner reconsider, and subsequently withdraw, the rejection of Claims 1-5, 9-15, 17, 19, 23-42, 44-50, 52-57, 59-64 and 66-70.

Objections under 37 CFR 1.75(c)

Claims 2, 45, 53, 60, and 67 were objected to under 37 CFR 1.75c as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner noted on page 3 of the Office Action that "[a] of these dependent claims require the '...formed lenticular image' which has already been described as being made of cured material to be cured, hence it is unclear what if anything is being cure (sic) or remains to be cured, in these claims as written, i.e. as the preceding required independent claim limitation may mean curing is already complete, further claiming something that is already done is improper. If applicants intended that the initial curing was only a partial curing,

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clarifying language, if supported, is recommended." As noted above and below, independent Claims 1, 44, 52, 59, and 66 (from which claims 2, 45, 53, 60, and 67 depend, respectively) have been amended. Specifically, these independent claims more particularly clarify the curing that is taking place. In view of these amendments, the objection is now believed to be moot.

Claim 19 was rejected since it recited the term "chemically reactive". Claim 19 has been amended to remove the term "chemically reactive", and as such, the objection is now moot.

With respect to Claim 35, the Examiner objected to the phrase "less than about" as being contradictory. Claim 35 has been amended to use the term "or" per the Examiner's suggestion. Applicants note that one exemplary and appropriate definition for the term "gauge thickness" is the definition found on page 21 of the Specification as originally filed. Any objection/rejection is believed overcome.

With respect to Claim 39, the Examiner indicated that she "is unclear how the 'pitch' can be defined by the number of lenticels (sic)". Applicants respectfully direct the Examiner to page 13, lines 12-13 of the Specification as originally filed for an appropriate, exemplary, interpretation for the term "pitch".

And regarding Claim 42, the Examiner states that the term "charged area" is "ambiguous". Here again, Applicants respectfully direct the Examiner to the Specification as originally filed at pages 17-18 (with reference to Figs. 3c and 4c) for an unambiguous, definite interpretation of the term.

With respect to the term "conform", Applicant respectfully confirms that the citation provided by the Examiner as "p. 11, lines 17-23+" is directed to an appropriate interpretation

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for the term "conform". Applicants take the "+" sign to mean that the citation provided necessarily incorporates relevant written information located elsewhere in the application, including any pictorial information corresponding to such written information.

Applicants note that it is well-settled law that claims are to be given their ordinary meaning as understood by one of skill in the art at the time of the invention. Reference to the specification can prove helpful. The Examiner is also respectfully referred to the Application as originally filed, which includes the following language: "[t]he present invention has been described in terms of various embodiments. It is recognized that equivalents, alternatives, and modifications, aside from those expressly stated, are possible and within the scope of the appending claims. Stated another way, the Specification can provide guidance, but unless required, should not limit (or be used to import limitations into) the claims. Thus, the above information is provided to further facilitate an understanding of the invention as embodied in the claims.

Incorporation by Reference

The Examiner indicated that the incorporation by reference of USP 6,424,467 B1 is ineffective because it is improper to incorporate a reference that incorporates other references. Applicants' Attorney has reviewed the MPEP, and in particular Section 608.01(p), and cannot find a basis for the Examiner's objection. Accordingly, Applicants respectfully request that the Examiner indicate the precise basis for this objection, or withdraw it, and allow the above patent (and the entirety of its contents) to be incorporated by reference.

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Rejections Under 35 USC 103(a)

Claims 1-5, 9-14, 17, 19, 22-38, 39-42 were rejected under 35 USC 103(a) as being unpatentable over Quadracci et al (5,457,515), in view of Christie et al (5,128,385), optionally further considering Sekiguchi et al (5,695,346) for a more specific meaning of "interlaced".

Specifically, the Examiner admits that "Quadracci et al (515) differs by not requiring any curing before the shaping or embossing or the lenticular pattern in the resin" (see page 5 of the Office Action), but that "Christie et al (385) teach that initial curing &/or drying step extend the polymeric chains, exemplified by moisture curing, followed by embossing, then actinic (UV) complete the cure, enable formation of sharper deeper embossing". Thus, the Examiner concludes that the combination of these references renders the present invention obvious.

The Applicants respectfully disagree with the Examiner's assertion regarding Christie and thus traverse on the grounds that the references fail to disclose all elements of the pending claims. More specifically, Christie fails to teach **"curing the coated interlaced image having a coating layer that substantially conforms to the interlaced image portion to a lenticular pattern forming curing level using photocuring and/or thermocuring means"** as is required by independent Claim 1 (as amended). In fact, Christie is directed to the moisture curing of polyurethanes prior to forming, for example by embossing the polyurethanes. (See Column 4, lines 7-11). Christie is not, however, directed to photocuring or thermocuring techniques as is required by amended Claim 1. And it is believed that Sekiguchi does not remedy this deficiency. Accordingly, Claim 1, as amended, is believed to be allowable. Claims that depend from independent claims that are allowable are themselves

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allowable, and thus, Claims 2-5, 9-14, 17, 19, 22-38, 39-42 are allowable for at least the reason noted above in support of Claim 1.

Claims 15, 44-50, 52-57, 59-64 & 66-70 were rejected under 35 USC 103(a) as being unpatentable over Quadracci et al (5,457,515), in view of Christie et al (5,128,385), optionally considering Sekiguchi et al (5,695,346) as applied to claims 1-5, 9-14, 17, 19, 22-38, 39-42 above, and further in view of Sandor et al (5,330,799)..

Independent claims 44, 52, 59 and 66 have been amended consistent with the amendments made to Claim 1. For at least the reason noted above with respect to Claim 1, the Applicants believe that Claims 44, 52, 59 and 66 are allowable over Quadracci in view of Christie, and optionally considering Sekiguchi (as applied to Claims 1-5, 9-14, 17, 19, 22-38, 39-42). Moreover, the teachings of Sandor do not remedy the aforementioned deficiency in satisfying the claimed recitation relating to curing. As such, the Applicants believe that Independent claims 44, 52, 59 and 66 (as amended) are allowable over the cited references.

Claims 45-50 depend from Claim 44, claims 53-57 depend from Claim 52, claims 60-63 depend from Claim 59, and claims 67-70 depend from Claim 66. For the reason noted above regarding dependent claims, these dependent claims are believed to be in condition for allowance.

For at least the above reasons, Claims 15, 44-50, 52-57, 59-64 & 66-70 are believed to be allowable.

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Conclusion

The Applicants believe that the amendment of the claims, and the above comments, puts the application in condition for allowance.

A two-month fee of \$225.00 is believed to be due for the filing of this Amendment and Response. This fee should be charged to Deposit Account 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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